

SEP 12 2003

FCC - MAILROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Garvin, Oklahoma)

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 283A at Garvin, Oklahoma.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 283A to Garvin, Oklahoma as that community's first local service. Garvin is an incorporated community with a population of 143 people.¹ Garvin has its own mayor, Byron Foster, its own post office, its own zip code, 74736, its own volunteer fire department and a number of local churches. Garvin

¹ 2000 U.S. Census

Number of Copies rec'd

1st ABC DE

0+4
FM-MB

03-289

also has their own pre-k through 8th grade school. The proposed channel 283A will provide additional diversity and an outlet for local self-expression to Garvin residents and therefore is in the public interest.

In order for Channel 283A to be allotted to Garvin, Oklahoma, the reference coordinates for Channel 285A, the vacant allotment at Broken Bow, must be relocated 6.78 km north. Note: the Report & Order for 285A/ Broken Bow, Oklahoma was released on September 5, 2003. (See, Attachment A)

Attached hereto is a channel study confirming that Channel 283A can be allocated to Garvin, Oklahoma, consistent with the FCC's FM separation rules provided the change is made at Broken Bow. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment B)

Reference coordinates for Channel 283A at Garvin, Oklahoma are:

33 51 00 N
94 49 50 W

In order for Channel 283A to be allotted at Garvin, Oklahoma the reference coordinates for the vacant allotment Channel 285A at Broken Bow, Oklahoma must be relocated 6.78 km north.

Attached hereto is a channel study confirming that the reference coordinates for Channel 285A at Broken Bow, Oklahoma can be relocated 6.78 km north consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment C)

The new reference coordinates for Channel 285A at Broken Bow, Oklahoma are:

34 08 00 N
94 44 00 W

Should this petition be granted, and Channel 283A be allotted to Garvin, Oklahoma, Petitioner will apply for Channel 283A, and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

September 11, 2003

Garvin

Attachment A

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No 01-209
Table of Allotments,)	RM-10224
FM Broadcast Stations.)	
(Broken Bow, Oklahoma))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 3, 2003

Released: September 5, 2003

By the Assistant Chief, Audio Division

1 In response to a Petition for Rule Making filed by Maurice Salsa ("Salsa"), the Audio Division considers herein a *Notice of Proposed Rule Making*¹ proposing the allotment of Channel 285A to Broken Bow, Oklahoma, as that community's second local aural transmission service. Salsa has filed comments expressing his continued interest in applying for Channel 285A if it is allotted to Broken Bow, and stating that if his application is granted, he will construct a station in that community. Entravision Holdings, LLC ("Entravision")² has filed a pleading entitled "Comments and Counterproposal" to which Petitioner has filed reply comments.³ For the reasons stated herein, we shall allot Channel 285A to Broken Bow, Oklahoma.

¹ *Broken Bow, Oklahoma*, 16 FCC Rcd 16002 (MM. Bur. 2001). This *Notice of Proposed Rule Making* involved proposals for eight communities in MM Docket Numbers 01-209 through 01-216.

² Entravision is the current licensee of Station KTCY(FM). The prior licensee, KTCY Licensing, Inc., filed the "Comments and Counterproposal" herein. Entravision consummated an assignment of Station KTCY's license on August 23, 2002. For the sake of clarity, Entravision is considered to have been the licensee throughout this proceeding.

³ Radio One Licenses, Inc. ("ROL") also filed reply comments in this docket and MM Docket No. 01-216 in the belief that both dockets were related to a proposal by Jeraldine Anderson to allot Channel 232A to Broken Bow, Oklahoma, in MB Docket No. 02-301, which was subsequently dismissed at Ms. Anderson's request. In fact, MM Docket No. 01-209 was not in conflict with MB Docket No. 02-301. In any event, ROL supports Entravision's counterproposal in its reply comments in this proceeding and in its "Comments and Counterproposal" filed in the Wright City, Oklahoma allotment proceeding (MM Docket No. 01-255). ROL however, requests the allotment of Channel 286A to Wright City in lieu of Entravision's request to allot Channel 226A to that city at an alternate transmitter site to Salsa's site for Channel 226A at Wright City. ROL's attempts to amend Entravision's counterproposal here and also in the Wright City proceeding are defective, because ROL did not express any interest in applying for Channel 286A in Wright City, if that channel were allotted to that city. Further, ROL's counterproposal in MM Docket No. 01-255 and its reply comments in this proceeding were filed after the comment due date in this proceeding and need not be considered. See Section 1.420(d) of the Commission's Rules.

2 Entravision's timely-filed counterproposal requests first, that its Channel 285C1 at Station KTCY(FM), Pilot Point, Texas, be upgraded to Channel 285C0 and second, that Channel 265A be allotted to Broken Bow, Oklahoma in lieu of Salsa's requested Channel 285A. Third, since Charles Crawford's request for Channel 284A at Antlers, Oklahoma, in MM Docket No 01-269 would conflict with Entravision's counterproposal to upgrade its Channel 285C1 to Channel 285C0, Entravision requests that Channel 227A be added to Antlers, Oklahoma, in lieu of Channel 284A. Fourth, because Maurice Salsa's request that Channel 226A be allotted at Wright City, Oklahoma, in MM Docket No 01-255 conflicts with Entravision's request to allot Channel 227A at Antlers, Oklahoma, Entravision has identified an alternate transmitter site at Wright City that would allow use of Channel 226A at Wright City and also allow the allotment of Channel 227A at Antlers, Oklahoma.

3 The Entravision proposal for the Station KTCY upgrade to Channel 285C0 at Pilot Point, Texas is short-spaced to the existing Channel 285A allotment at Meridian, Texas. In this regard, a timely counterproposal in MM Docket No 01-47 proposed the reallocation of Channel 285A from Meridian to Hico, which would remove this conflict. Thus, the Entravision proposal is contingent upon the outcome of a separate proceeding in MM Docket No. 01-47 and cannot be considered in the context of this proceeding. In order to have the Entravision proposal considered at this time, the proposal would have to have been filed by the April 9, 2001 comment due date in MM Docket No. 01-47. Entravision did not file its proposal until October 22, 2001.

4 We conclude that the public interest would be served by the allotment of Channel 285A at Broken Bow, Oklahoma, since it will provide a second local aural transmission service to that community. Channel 285A can be allotted to Broken Bow, Oklahoma, consistent with the requirements of Sections 73.207(b)(1) and 73.315(a) of the Commission's Rules at coordinates of 34-04-41 NL and 94-45-53 WL, with a site restriction of 5.9 kilometers (3.7 miles) northwest of Broken Bow, Oklahoma.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 20, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Broken Bow, Oklahoma	285A, 291C2

6 A filing window for Channel 285A, Broken Bow, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7 IT IS FURTHER ORDERED That the Petition for Rule Making (RM-10224) filed by Maurice Salsa in MM Docket No. 01-209 IS GRANTED.

8 IT IS FURTHER ORDERED That the counterproposal filed by Entravision Holdings, LLC IS DISMISSED as unacceptable for filing.

9 IT IS FURTHER ORDERED, that MM Docket No 01-209 IS TERMINATED.

10 For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau,
(202) 418-2180

FEDERAL COMMUNICATIONS COMMISSION

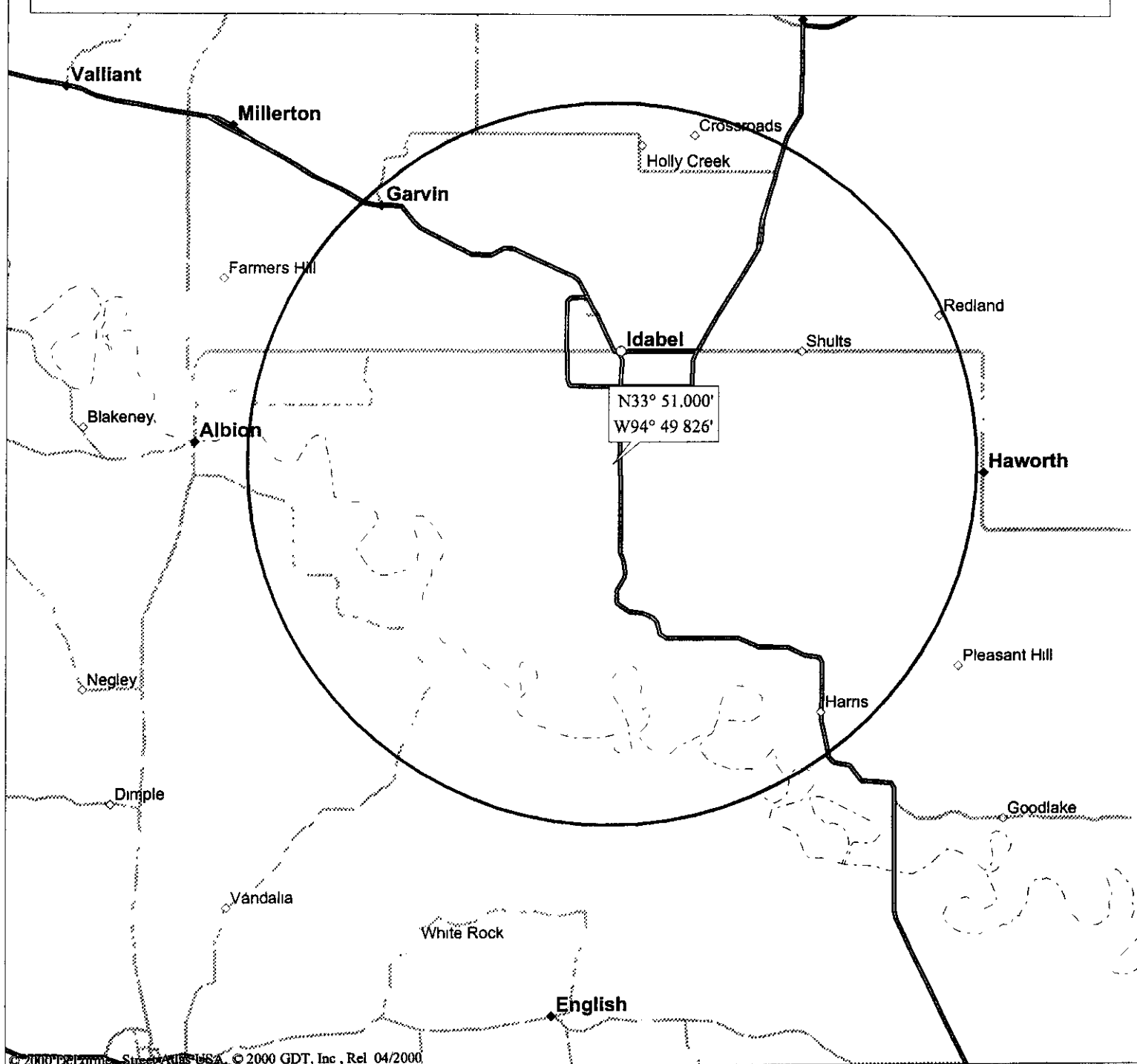
John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Attachment B



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
ALLO.R	282C2	RSV	Detroit	TX	67.13	264.4	106.0	-38.87
RDEL	285A	DEL	Broken Bow	OK	26.02	13.4	31.0	-4.98
RADD	285A	ADD	Broken Bow	OK	26.02	13.4	31.0	-4.98
RADD	286A	ADD	Wright City	OK	30.52	315.8	31.0	-0.48
KTOY	284A	LIC	N Texarkana	AR	74.22	125.9	72.0	2.22
KJTX	283A	LIC	Jefferson	TX	118.59	163.8	115.0	3.59
ALLO.V	282C3	VAC	Boswell	OK	97.99	281.9	89.0	8.99
RDEL	284A	DEL	Antlers	OK	86.34	304.6	72.0	14.34
RADD	284A	ADD	Antlers	OK	86.34	304.6	72.0	14.34
KWXE	283A	LIC	Glenwood	AR	130.08	66.4	115.0	15.08
KKDAFM	283C	LIC	N Dallas	TX	243.47	235.4	226.0	17.47
ALLO.V	286A	VAC	New Boston	TX	52.01	146.0	31.0	21.01
KWNS	284A	LIC	N Winnsboro	TX	96.32	206.3	72.0	24.32
KLMZ	282A	LIC	Fouke	AR	106.92	121.0	72.0	34.92
KILX.C	281C2	CP	Hatfield	AR	91.01	31.8	55.0	36.01
KILX.C	281C2	CP	Hatfield	AR	96.48	33.5	55.0	41.48
KOYN	230C2	LIC	Paris	TX	58.65	267.6	15.0	43.65
KPGG	280A	LIC	Ashdown	AR	75.06	111.4	31.0	44.06
KMYZFM	283C1	LIC	Pryor	OK	252.23	342.9	200.0	52.23
KRBK	284C2	LIC	Booneville	AR	161.36	23.2	106.0	55.36
KMGC	283A	LIC	N Camden	AR	191.22	101.1	115.0	76.22
KHPA	285A	LIC	N Hope	AR	125.33	96.3	31.0	94.33
KBEF	283A	LIC	Gibbsland	LA	211.32	133.4	115.0	96.32
RADD	285C0	ADD	Pilot Point	TX	186.52	262.9	86.0	100.52
RADD	285C0	ADD	Pilot Point	TX	186.52	262.9	86.0	100.52
KKUS	281C2	LIC	Tyler	TX	162.15	202.1	55.0	107.15
RADD	285A	ADD	Oil City	LA	139.42	152.3	31.0	108.42
ALLO.V	283A	VAC	Wynnewood	OK	232.57	293.0	115.0	117.57

Garvin, OK CH 283A 70 dBu



© 2000 DeLorme, Street Atlas USA, © 2000 GDT, Inc., Rel 04/2000

Mag 11.00

Thu Sep 11 10 49 2003

Scale 1:250,000 (at center)

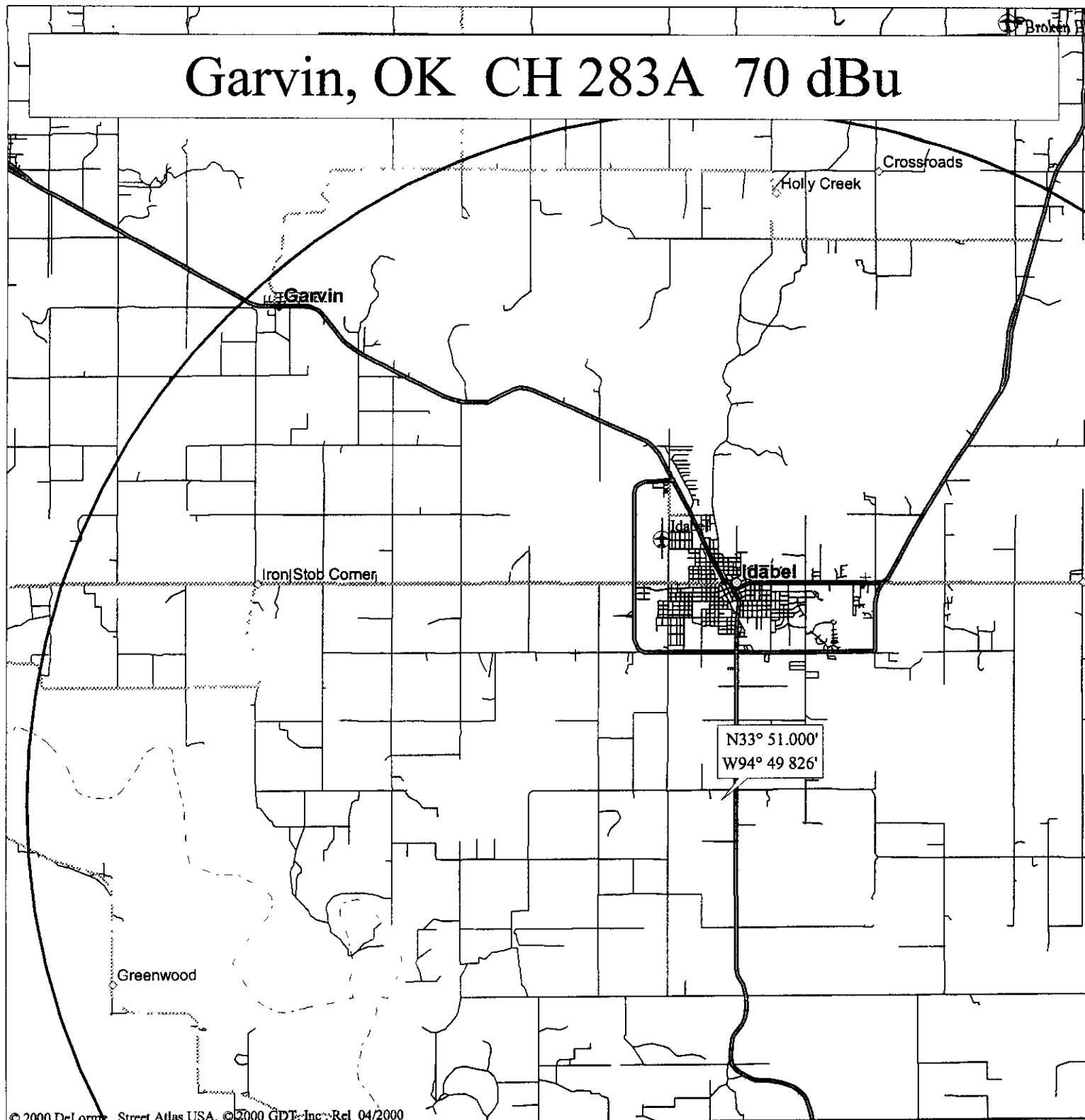
5 Miles

5 KM

- US Highway
- Major Connector
- State Route
- County Seat
- Small Town
- Locale
- State Boundary
- Land

Water

Garvin, OK CH 283A 70 dBu



© 2000 DeLorme Street Atlas USA, © 2000 GDT, Inc., Rel 04/2000

Mag 12 00

Thu Sep 11 10 51 2003

Scale 1 125,000 (at center)

2 Miles

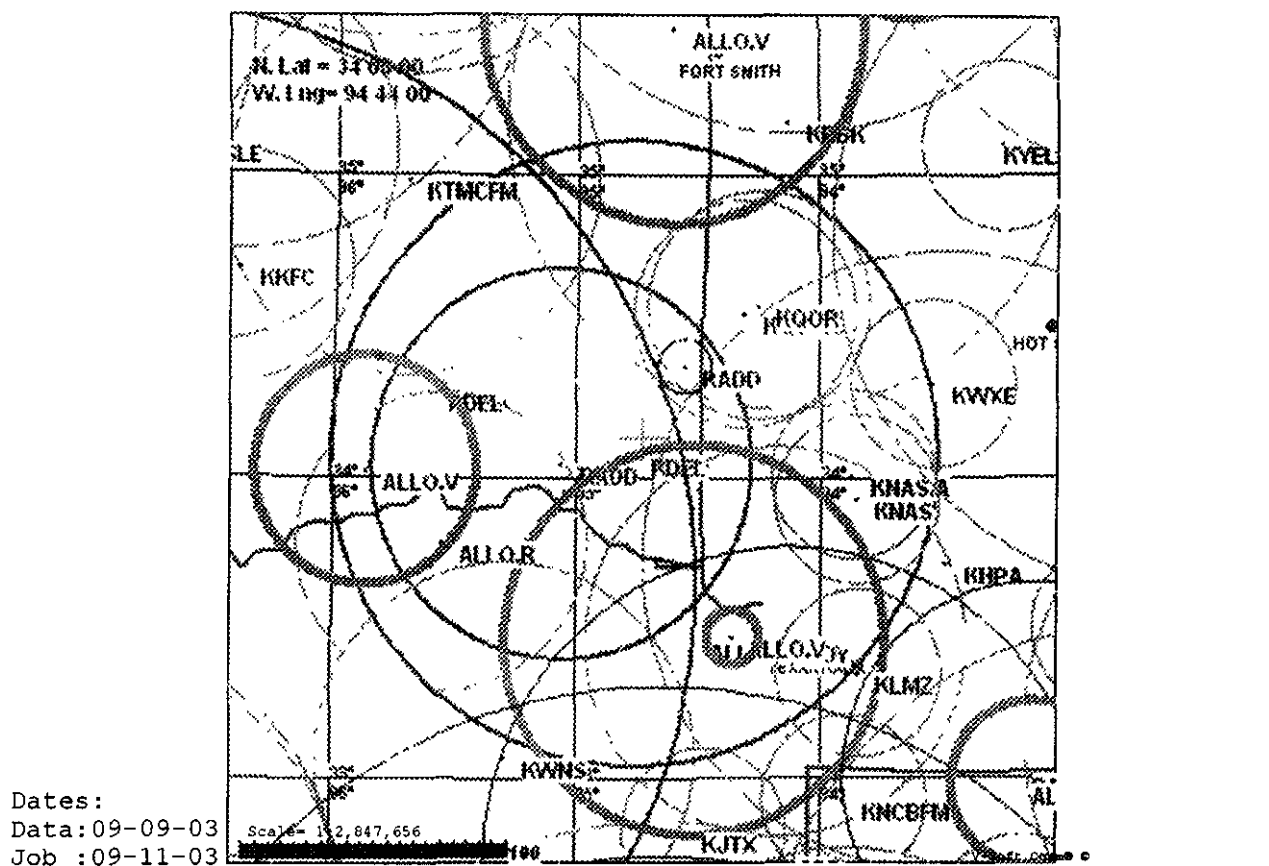
2 KM

- Local Road
- US Highway
- Major Connector
- State Route
- County Seat
- ◆ Small Town
- Airfield
- ▽ Geographic Feature



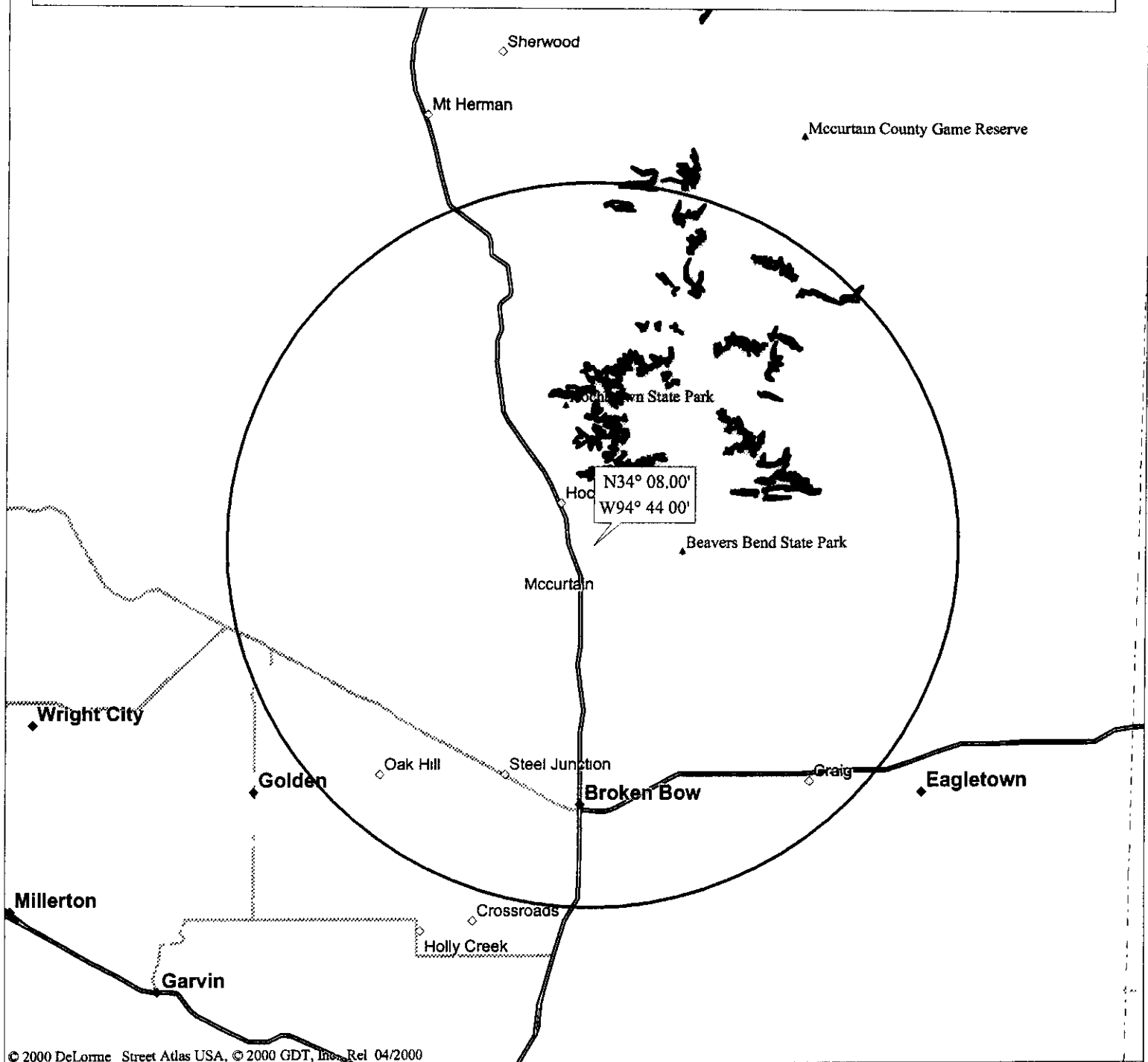
- Locale
- Public Airport
- Cemetery
- State Boundary
- Land
- Water

Attachment C

FM PROSP^(TM) LOCATE STUDY CH 285 A 104.9 MHz


Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	285A	ADD	Broken Bow	OK	6.78	205.2	115.0	-108.22
RDEL	285A	DEL	Broken Bow	OK	6.78	205.2	115.0	-108.22
RADD	286A	ADD	Wright City	OK	31.77	252.4	72.0	-40.23
RADD	285C0	ADD	Pilot Point	TX	201.55	254.3	215.0	-13.45
RADD	285C0	ADD	Pilot Point	TX	201.55	254.3	215.0	-13.45
ALLO.V	286A	VAC	New Boston	TX	77.18	164.9	72.0	5.18
KHPA	285A	LIC N	Hope	AR	124.08	111.4	115.0	9.08
RADD	284A	ADD	Antlers	OK	82.04	282.4	72.0	10.04
RDEL	284A	DEL	Antlers	OK	82.04	282.4	72.0	10.04
RDEL	285C1	DEL	Pilot View	OK	215.61	253.4	200.0	15.61
KTCY	285C1	LIC N	Pilot Point	TX	215.61	253.4	200.0	15.61
RDEL	285C1	DEL	Pilot Point	TX	215.61	253.4	200.0	15.61
KQOR.C	287C3	CP N	Mena	AR	60.27	40.5	42.0	18.27
KTOY	284A	LIC N	Texarkana	AR	90.69	145.8	72.0	18.69
RADD	232A	ADD	Cove	AR	31.18	32.0	10.0	21.18
KRBK	284C2	LIC	Booneville	AR	129.01	25.2	106.0	23.01
KQOR	287C3	LIC N	Mena	AR	66.09	42.2	42.0	24.09
ALLO.R	282C2	RSV	Detroit	TX	84.75	243.3	55.0	29.75
RADD	285A	ADD	Oil City	LA	164.59	160.2	115.0	49.59
KNAS.A	288A	APP N	Nashville	AR	81.06	99.4	31.0	50.06
KNAS	288A	LIC	Nashville	AR	84.64	105.3	31.0	53.64
KWNS	284A	LIC N	Winnsboro	TX	128.60	203.7	72.0	56.60
KTMCFM	286A	LIC N	Mcalester	OK	129.93	317.2	72.0	57.93
ALLO.V	282C3	VAC	Boswell	OK	105.47	263.9	42.0	63.47
ALLO.V	231A	VAC	Hooks	TX	80.83	154.6	10.0	70.83
ALLO.V	286A	VAC	Muldrow	OK	151.69	4.5	72.0	79.69
KWXE	283A	LIC	Glenwood	AR	112.21	79.5	31.0	81.21
KMJX	286C1	LIC-D	Conway	AR	218.69	69.6	133.0	85.69

Broken Bow, OK CH 285A 70 dBu



Mag 11 00

Thu Sep 11 10 53 2003

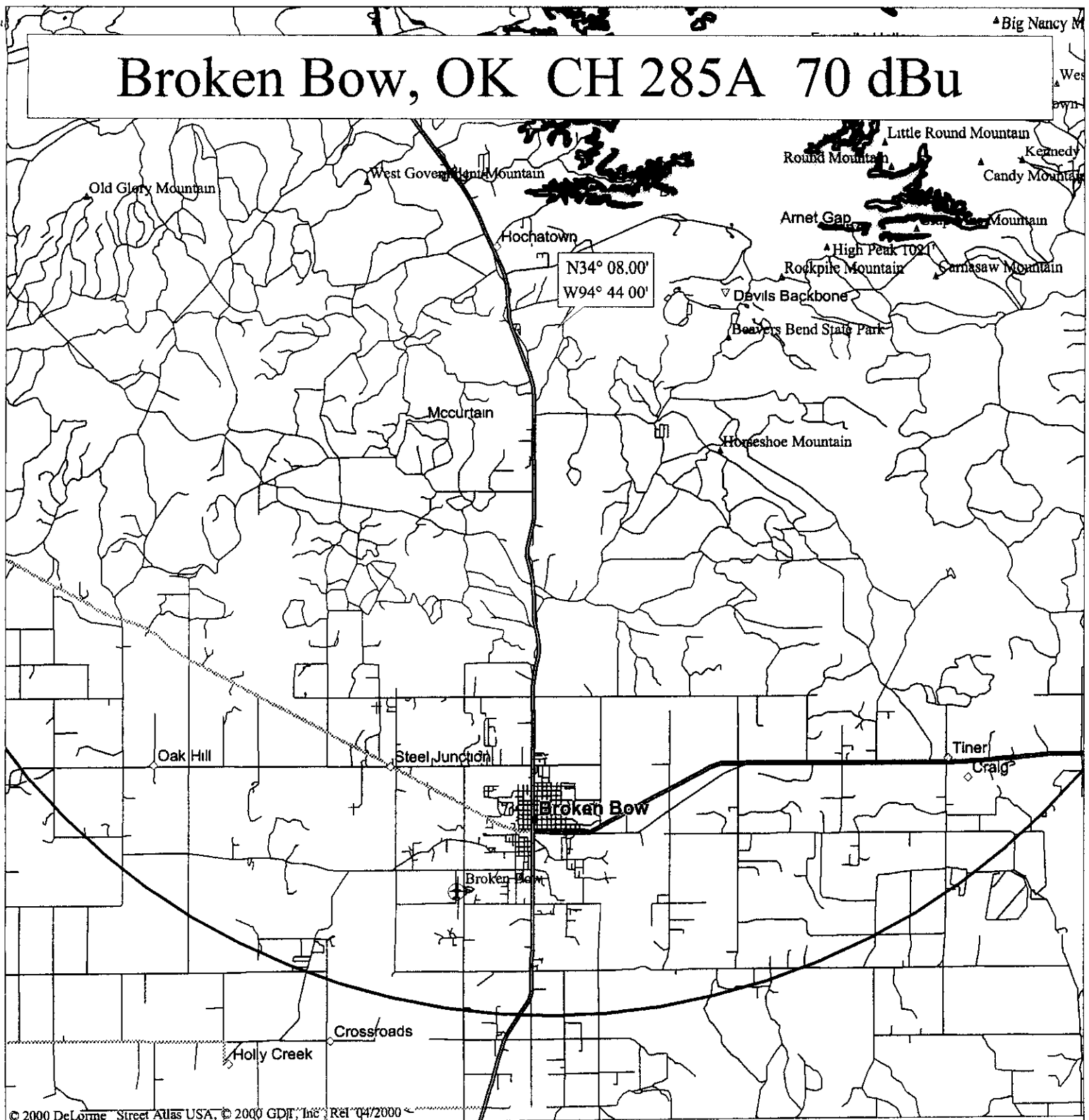
Scale 1 250,000 (at center)

5 Miles

5 KM

- | | |
|----------------------|----------------|
| — Local Road | Land |
| — US Highway | Water |
| — Major Connector | Inundated Area |
| — State Route | |
| ● Small Town | |
| ▲ Park/Reservation | |
| ◇ Locale | |
| - - - State Boundary | |

Broken Bow, OK CH 285A 70 dBu



© 2000 DeLorme Street Atlas USA, © 2000 GDI, Inc. Rel 04/2000

Mag 12 00

Thu Sep 11 10 53 2003

Scale 1:125,000 (at center)

2 Miles

2 KM

- | | |
|-------------------|----------------------|
| — Local Road | ▽ Geographic Feature |
| — Trail | ▲ Park/Reservation |
| — US Highway | ◇ Locale |
| — Major Connector | ✈ Public Airport |
| — State Route | ☙ Cemetery |
| ● Small Town | Land |
| — Airfield | Water |
| ▲ Summit | ▨ Inundated Area |